

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PATRICK SEAN BUTLER,	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO. 19-CV-6131
	:	
MIROSLAV DJINDJIEV, <i>et al.</i>,	:	
Defendants.	:	

ORDER

AND NOW, this 19th day of March, 2020, upon consideration of Plaintiff Patrick Sean Butler's Amended Complaint (ECF No. 11), it is **ORDERED** that:

1. The Clerk of Court shall **AMEND** the docket to reflect the caption of the Amended Complaint.
2. The Amended Complaint is **DISMISSED** as frivolous and for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and (ii) for the reasons stated in the Court's Memorandum as follows:
 - a. Butler's claims against all Defendants in their official capacities are **DISMISSED WITH PREJUDICE**;
 - b. Butler's claims against Defendant Jared Joseph Hanna in his individual capacity are **DISMISSED WITH PREJUDICE**;
 - c. Butler's claims against Defendants Miroslav Djindiev, Michael Hogskin, and Trooper Griffin in their individual capacities, which the Court has construed as Fourth Amendment claims for false arrest, false imprisonment, and malicious prosecution, and Due Process claims for fabricated evidence are

DISMISSED WITHOUT PREJUDICE to amendment in accordance with paragraph three (3) of this Order.

3. Butler may file a second amended complaint within thirty (30) days of the date of this Order **only with respect to the claims that the Court has dismissed without prejudice as discussed in section III.C. of the Court's accompanying Memorandum**. Any second amended complaint must identify all defendants in the caption of the second amended complaint in addition to identifying them in the body of the second amended complaint and shall clearly state the basis for Butler's claims against each defendant. The second amended complaint shall be a complete document that does not rely on the initial Complaint, Amended Complaint, or any other papers filed in this case to state a claim. **When drafting his second amended complaint, Butler should be mindful of the Court's reasons for dismissing the claims in his Amended Complaint as explained in the Court's Memorandum**. Upon the filing of a second amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

4. The Clerk of Court is **DIRECTED** to send Butler a blank copy of the Court's form complaint for a prisoner filing a civil rights action bearing the above civil action number. Butler may use this form to file his second amended complaint if he chooses to do so.

5. If Butler fails to file a second amended complaint in accordance with this Order, his case may be dismissed without further notice for failure to prosecute.

BY THE COURT:

/s/ Juan R. Sánchez
JUAN R. SÁNCHEZ, C.J.